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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,945	11/15/2000	Tuan Tran	80168-0131	8533

32658 7590 11/03/2004

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/711,945	Applicant(s) TRAN, TUAN
	Examiner Stefano Karmis	Art Unit 3624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Regarding Applicant's response, received 09 September 2004, Applicant asserts that the prior art fails to teach the framework engine "creates the request for transaction framework for the particular market based on attribute parameters and defined by the market maker." The Examiner respectfully disagrees, Brady discloses parameters are maintained under control of the market maker (page 4, paragraphs 0038-0040). The market maker assigns values to parameters by selecting which attribute to define. Continuing with claim 1, Applicant states that the prior art fails to teach that a "request comprises structured attribute information being defined by the market maker using the framework engine." Brady does teach however, structured attribute information that is defined by the market maker using the framework engine (page 4, paragraphs 0038-0040, paragraph 0044 and Figures 4A thru 4C). The trading parameters are under control of the market maker and allow the market maker to define attribute information such as the bid and ask prices and quantities for the market, which are necessary for the transaction request. Brady further teaches that these parameters are under control of the market maker and the market maker selects which parameter and defines the desired value.

Regarding claim 6 and 8, Applicant contests that Brady fails to teach that the market maker can define the analysis framework that is then made available to providers who can extend the attributes used by the analysis framework to analyze the request. However, Brady teaches that a subscriber request to analyze an attribute such as price requires that parameters set by the market maker be sent to the subscriber for the analysis (page 5, paragraph 0053-0056).

Regarding independent claim 15, Applicant submits that Brady fails to teach creating new attributes and selecting an analysis framework, and therefore, cannot teach developing the request for transaction based on the new attributes and the analysis framework. However, Brady clearly teaches that the market maker generates a matrix of parameters such as bid, ask prices and quantities (page 4, paragraph 0045 and page 5 paragraph 0054). Therefore the market maker by generating these values which is a new attribute for the given parameter.

Remaining claims stand rejected in a similar manner to the claims discussed above or based upon dependency. The Examiner would like to remind the Applicant that claims must be interpreted as broadly as their terms reasonably allow "In re Zletz", 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Alan H. Babine
PRIMARY
AV. 3624